

REMARKS

Claims 1-4 and 9-15 were presented for examination, with claims 5-8 being withdrawn in response to an earlier restriction requirement (dated April 24, 2006). The Office Action dated March 21, 2007 rejects claims 1-4 and 9-15 and withdraws claims 12 and 13 as being drawn to a non-elected embodiment. This response amends claims 1, 2 and 11-13. Claims 1-15 remain pending in the application.

Election/Retrictions

The Office Action considers newly submitted claims 12 and 13 to be directed to an invention that is independent or distinct from the invention originally claimed because the claims are directed to an embodiment that was not elected by the Application in the prior response to the restriction requirement. Applicants respectfully traverse the restriction.

The non-elected embodiment of claims 5-8 includes a side rail portion that mounts to a rack in combination with a tray. Neither of the newly submitted claims 12 and 13 includes such a side rail portion (i.e., of the non-elected embodiment). In addition, both claims 12 and 13 depend from claim 1 (the elected invention) and, therefore, are not “independent” of the originally claimed invention. Further, both dependent claims as amended introduce an additional limitation to an element of the originally claimed and elected invention of claim 1. Therefore, Applicants respectfully submit that claims 12 and 13 are directed to the elected invention.

As an aside, Applicants acknowledge the need to include the text of the withdrawn claims in each response and thank the Examiner for his forbearance with the previous response, which omitted such text.

35 U.S.C. § 112

The Office Action rejects claim 11 as indefinite because the phrase “a plurality of lower guide rails” is not properly understood since the limitation may constitute a double inclusion of the previously claimed “at least one lower rail guide.” Applicants submit that their amendment to claim 11 overcomes the rejection.

In addition, Applicants thank the Examiner for pointing out the distinction between “guide rails” and “rail guides”. Accordingly, Applicants have amended claims 11-13 to refer to rail guides (not guide rails).

Claim Rejections – 35 U.S.C. § 102

The Office Action rejects claims 1-3, 10, 11 and 15 as being anticipated by U.S. Patent No. 5,626,406 to Schmid. Applicants respectfully traverse the rejection because Schmid does not disclose every element and limitation of the Applicants’ invention as now claimed. More specifically, Schmid does not disclose a tray with a side wall having an top edge with at least one section that is cut away therefrom and shaped to form at least one upper rail guide and a bottom region with at least one section that is cut away therefrom and shaped to form at least one lower rail guide, as now set forth in the Applicants’ invention.

Schmid discloses a chassis slide assembly with chassis slides having top and bottom edges. These top and bottom edges are shaped to form integral U-shaped channels that receive intermediate slides (14, 16). Unlike the Applicants’ invention, however, Schmid’s “rail guides” are not formed from sections that are cut away from the edges of the chassis slide. Specifically, Schmid does not teach or suggest cutting away a section from an edge that integrally joins the base of the tray, such as the Applicants’ claimed bottom

region of the side wall. Schmid, therefore, not does not anticipate or even suggest the Applicants' invention as claimed, and the Applicants respectfully submit that the amendment has overcome the rejection.

Claim Rejections – 35 U.S.C. § 103

The Office Action rejects claims 1-4, 11, 14 and 15 as being unpatentable over U.S. Patent No. 6,142,590 to Harwell in view of U.S. Application Publication No. 2003/0042215 to Tomino. Applicants respectfully traverse the rejection because Harwell and Tomino, whether taken alone or in combination, do not disclose or suggest every claimed element and limitation of the Applicants' invention as now claimed.

Harwell discloses a shelf with self-adjusting mounting rails and a drawer that is mounted to the shelf. The drawer has "upper" drawer rails (192) that are rigidly mounted directly to the sides of the drawer. Unlike the Applicants' invention, however, Harwell's drawer lacks a "lower" drawer rail. Moreover, Harwell's upper drawer rail is not cut away from the upper edge of the drawer's side, rather Harwell's drawer rail is a separate piece mounted to the drawer.

Tomino shows a tray having sides with integrally formed top and bottom L-shaped plate members (146a, 146c). Such members are used to slidably engage a side part 128 and a sub-rack 100. The Office Action cites Tomino to show that integrally formed top and bottom rail guides are known in the art. Tomino, however, like Harwell, does not teach or suggest rail guides that are integrally formed from sections that have be cut away from the edges of the side wall, as now set forth in the Applicants' claimed invention. In particular, Tomino does not show a bottom region of a side wall that integrally joins the base of the tray and has at least one section cut away therefrom to form at least one lower rail guide, as set forth in the Applicants' claimed invention.

Therefore, any combination of Harwell and Tomino still fails to show or suggest this claimed feature of the Applicants' invention. Applicants respectfully submit that the amendment has overcome the rejection.

Each dependent claim 2-4 and 9-15 depends directly or indirectly from patentable independent claim 1, and incorporates all of its limitations and, therefore, is patentably distinguishable over the Schmid, Harwell, and Tomino, and any combination thereof, for at least those reasons provided in connection with independent claim 1. Each dependent claim also recites an additional limitation, which, in combination with the elements and limitations of its independent claim, further distinguishes that dependent claim from these references. Applicants respectfully request withdrawal of the rejection of these claims.

CONCLUSION

In view of the amendments and arguments made herein, Applicants submit that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the Applicants' representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-0932.

Respectfully submitted,

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